

nathanielpunzalancontrial
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**IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM**

UNITED STATES OF AMERICA,) CRIMINAL CASE NO. 07-00075
Plaintiff,)
vs.)
NATHANIEL PUNZALAN,)
Defendant.)

**UNITED STATES' MOTION
TO CONTINUE TRIAL**

COME NOW the United States of America moves that the trial date in this matter, which is presently set for July 1, 2008, be continued to August 11, 2008, or a date and time thereafter convenient to the Court. The government makes this request for the following reason:

AUSA Rosetta San Nicolas is scheduled for surgery and medical treatment from June 6, 2008 with a recovery period of four to six weeks, in Honolulu, Hawaii. The government believes that the interests of justice will be served by granting a continuance of the trial for this timeframe.

Defendant made his initial appearance on this case on August 17, 2007, and was represented by the Federal Public Defender's Office (FPD). After the FPD moved to withdraw, defendant has been represented by Patrick Civille, Cynthia Ecube, William Gavras, Rawlen Mantanona and as of March 19, 2008, Stephanie Flores and jury selection and trial is scheduled for July 1, 2008.

The government requests that any period of delay resulting from this motion shall be excluded under the provisions of the Speedy Trial Act (18 U.S.C. §3161)(h)(8)(A), as the ends of justice are served by the requested continuance. The Speedy Trial Act of 18 U.S.C. § 3162(8)(A) allows tolling of the time if the court finds “that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial”. The government believes that the best interests of both will be served by this continuance.

Respectfully submitted this 5th day of June, 2008.

**LEONARDO M. RAPADAS
United States Attorney
Districts of Guam and NMI**

By: /s/ Rosetta L. San Nicolas
ROSETTA L. SAN NICOLAS
Assistant U.S. Attorney